



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**AUG 02 2012**

Mr. Matthew Cashman  
Director of Facilities Planning  
Concord School District, School Administrative Unit #8  
38 Liberty Street  
Concord, New Hampshire 03301-2934

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c),  
and 761.79(h)  
Conant Elementary School  
Concord, New Hampshire

Dear Mr. Cashman:

This is in response to the Concord School District School Administration Unit #8 (CSD) Notification<sup>1</sup> for approval to clean up and dispose of PCB-contaminated building materials located in the building known as the Conant Elementary School (the Site) located at 152 South Street, Concord, New Hampshire. The Site contains PCB caulk and paint in Addition 3 that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62.

In its Notification, the CSD has proposed the following PCB cleanup and disposal plan for Addition 3:

- Remove and dispose of all *PCB bulk product waste* (e.g., caulk and associated metal window/door frames) in a State permitted landfill in accordance with § 761.62(b);
- Remove *PCB waste* (i.e., painted wooden trim and columns) and dispose of in a State-permitted landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii) and § 761.62(b); and,

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<sup>1</sup> The notification was prepared by Lord Associates, Inc. on behalf of the CSD to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated December 9, 2011 (PCB Abatement Plan (SIP)); March 26, 2012 (Revised SIP and Response to EPA Comments); May 7, 2012 (Response to EPA comments); May 8, 2012 (Additional caulk sample results); May 15, 2012 (email response to window size questions); May 31, 2012 (2<sup>nd</sup> Revised SIP and Contractor Work Plan), June 28, 2012 (email response to excluded product disposal questions); and July 25, 2012 (email sample results for wood contamination). These submittals shall be referred to as the "Notification".

- Conduct verification sampling to confirm that the PCB standard of less than or equal to ( $\leq$ ) 1 part per million (ppm) has been met for demolition of the building.

The CSD has determined that certain caulks and paint which have PCB concentrations at less than ( $<$ ) 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or paint or decontamination of surfaces that are in contact with the  $<$  50 ppm caulk or paint. While these building materials are not addressed in the Approval, the CSD is proposing to remove and dispose of the products containing PCBs with greater than ( $>$ ) 1 ppm but  $<$  50 ppm at a State facility permitted to accept these wastes.

Based on EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61, 761.62, and 761.79(h) for removal and disposal of *PCB bulk product wastes* and *PCB remediation wastes*. Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under § 761.61(a), § 761.62, § 761.79 for similar types of PCB-contaminated materials.

CSD has proposed a deviation from the Subpart O verification sampling frequency for the building *porous surfaces* as follows: door openings-2 samples per door; small window-1 sample per window; big window- 2 samples per window. Based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency for the building surfaces are adequate to confirm that PCB cleanup standard has been met. EPA finds that the alternative sampling frequency proposed by CSD will not create an unreasonable risk to public health or the environment when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

The CSD may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Please pay particular note to the following Attachment 1 condition:

Condition 10b. This condition requires submittal of a revised contractor work plan to address work site air sampling, containment, equipment decontamination, PCB waste container labeling and storage (including appropriate figures) since the information originally provided is not consistent with the requirements under 40 CFR Part 761.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Owens III", followed by a horizontal line and the word "for".

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc: Ralph Tella, Lord Associates, Inc  
Concord Board of Health  
NHDES  
File

Attachment - Approval Conditions



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
CONANT SCHOOL ("the Site")  
152 SOUTH STREET, CONCORD, NEW HAMPSHIRE**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Concord School District School Administration Unit #8 (CSD) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The CSD must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the CSD shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The CSD is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the CSD has or receives information indicating that the CSD or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the CSD are authorized to conduct the activities set forth in the Notification. The CSD is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the CSD from compliance with any applicable requirements of federal, state or local law; or 3) release the CSD from liability for, or otherwise resolve, any violations of federal, state or local law.

## **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from the CSD of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The CSD shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a revised contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the job site air monitoring and containment that will be employed during abatement activities. This work plan should also include additional information on how and where wastes will be stored, and on how field equipment will be decontaminated; and,
  - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

## **REMEDIAL AND DISPOSAL CONDITIONS**

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, and the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. Verification sampling for *porous surfaces* (i.e., brick) shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.



- i) Verification sampling shall be conducted at the following frequency: 2 samples collected per door, 2 samples per big window, and 1 sample per small window. In the event that any sample result is greater than ( $>$ ) 1 part per million (ppm), additional masonry shall be removed and verification samples shall be collected to confirm that the less than or equal to ( $\leq$ ) 1 ppm PCB cleanup standard has been met.
  - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
- 13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

- 14. The CSD shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the CSD to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
- 16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

18. The CSD shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the CSD in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. The CSD shall submit a final report in hard copy and on CD-ROM, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo log; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests or bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**